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Office of Personnel Services and Benefits

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Deputy Secretary

MEMORANDUM

TO: Personnel Directors in the State Personnel Management System

FROM: Andrea M. Fulton, Executive Director

DATE: April 21, 2004

RE: **Continuation of Benefits for Employees who are Receiving
Temporary Total Disability Benefits**

The purpose of this memorandum is to make you aware of a ruling in a recent Court of Special Appeals decision, *Rideout v. Department of Public Safety & Correctional Services*, 149 Md. App. 649, 818 A.2d 250 (Md. App. 2003), that may affect employees who receive temporary total disability benefits. In *Rideout*, the court held that an employee who is receiving temporary total disability benefits under the Maryland Workers' Compensation Act should continue to receive those "other benefits" to which the employee would have been entitled in the absence of the work-related injury. The "other benefits" are those enumerated in §9-704(c) of the State Personnel and Pensions Article, which specifies:

§9-704. Sick pay

- (c) *Other benefits.* – Notwithstanding the reduced rate that an employee is paid while using work-related accident leave, the employee:
 - (1) continues seniority and leave accruals based on the employee's regular pay; and
 - (2) does not lose health care benefits with the subsidy allowed in Title 2, Subtitle 6 of this article solely because of use of the work-related accident leave.

Please be sure that your employees who receive temporary total disability benefits continue to maintain seniority, accrue leave and receive health care benefits just as they would have if they were on accident leave.

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For those agencies that participate in the Time Entry and Scheduling System (TESS), we will be assigning a new timekeeping code to accommodate the accrual of leave while employees are on leave without pay and receiving temporary total disability benefits.

Should you have any questions about this memo, please contact me at 410-767-4715.

cc: Cecilia Januszkiewicz
Bruce Martin
Kris Hoffman
Judy Slater